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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,289	12/19/2001	Bradley W. Johnson	720.505	8117

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 04/23/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

10/026,289

Applicant(s)

JOHNSON ET AL.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Objections

Claims 1-6 are objected to because of the following informalities: claim 1, line 1 is missing the word "to" in between the words "used" and "play". Appropriate correction is required.

Claims 1-6 are objected to because of the following informalities: claim 1, line 6, remove the word "the" in between the words "whereby" and "each". Appropriate correction is required.

Claims 1-6 are objected to because of the following informalities: claim 1, line 6, insert the word "player" directly after the word "each". Appropriate correction is required.

Claims 27-33, 35 and 37 are objected to because of the following informalities: claim 27, line 12, remove the word "the" in between the words "to" and "at". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by McBride (USPN 6,336,857).

Regarding claims 1 and 6, McBride discloses an improved game apparatus of the type used to play a primary table game of chance, the improved table game apparatus comprising in

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combination a gaming table having a plurality of game player locations adjacent to which a plurality of game players may play the primary table game of chance and place at least one primary game wager in connection with the primary game of chance by illustrating in FIG. 1 and disclosing in col. 2:11-19 & col. 2:45-48, The method and apparatus of the present invention comprise a gaming table top suitable for progressive jackpot side betting and ways to accomplishing same. The invention provides a gaming table top having one or more gaming stations for individual players. The station of each individual player is color co-ordinated. For instance, there can be seven stations with each station bearing a different color-code wagering area. The sequence of actions during the betting and playing of the hands according to this invention typically consists of players wager on the casino game (e.g. Blackjack) and making side bets for the progressive jackpot. McBride discloses a video display mounted adjacent the gaming table whereby each player among the plurality of game players may simultaneously view the video display while at the game player locations, a plurality of video contents sources, a video input controller having multiple video inputs and a video output, each of the video inputs being in communication with at least one of the video content sources, and a digital computing unit in communication with the video input controller and with the video display and providing video output information to the video display, whereby the plurality of video contents sources, the video input controller, the video display, and the computing unit cooperatively provide at least a plurality of types of supplemental video content viewable by each among the plurality of game players while at the plurality of game player locations at the gaming table by illustrating in FIG. 1 & 2 and disclosing in col. 9:18-28, in addition to the Digital Display provided on the dealers key pad 100, the apparatus according to the present invention also comprises a unique LED progressive jackpot display 20 located on the gaming table layout, directly in the players' line of vision (see FIG. 1). The LED progressive jackpot display 20 can serve multiple purposes. The

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display can show the progressive jackpot total. It can also be used to scroll messages (e.g., Congratulations, Payouts, etc). The display can be used by the casino for both internal and external advertising.

Regarding claims 2 and 5, McBride discloses a game table input device mounted in association with the gaming table within reach of at least one of the plurality of game players, and in communication with the digital computing unit whereby at least one game player may input commands to the computing unit by disclosing in col. 8:3-9, when the dealer presses the Start Hand button 103 a dollar would be deducted from the players bank Until the next pressing action by the player occurs, the players Colored button would remain in the on mode, and each push of the Start Hand button would automatically deduct money from the players bank until the player's bank becomes empty.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 7-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBride in view of Itkis (USPN 4,856,787).

The disclosure of McBride has been discussed above and is, therefore, incorporated herein.

Regarding claims 7, 9, 12, 13 and 15-37, McBride also discloses a system computing server and a plurality of video displays in communication with the system computing server through the video content distribution network, each of the video display being mounted adjacent

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at least one gaming table by illustrating in FIG. 1 and disclosing in col. 9:24-31, the LED progressive jackpot display can serve multiple purposes. The display can show the progressive jackpot total. It can also be used to scroll messages (e.g., congratulations, payouts, etc). The display can be used by the casino for both internal and external advertising. The progressive jackpot may be built by a single table, a network of tables within the casino, or a wide area progressive jackpot system. Moreover, McBride discloses a side wagering game program portion by disclosing in col. 9:35-42, in a typical game, the players wager on the casino game being played (Blackjack in the present embodiment) according to the rules of that casino game. Each player may also make a side bet. Initially, a player makes a side bet by activating the Colored button 203 by pressing it. The side bet can be withdrawn until it is "locked in" once play of the round starts. (If the button is pressed during the play of a round, the activation will be delayed until the end of the round and will take effect only in the next round of play). Once activated, the Colored button 203 will remain ON until the Player turns it OFF by pressing it again. Similarly, the Colored button 203 will remain OFF until the Player turns it ON by pressing it again. Once the Player presses the Colored button 203, the computer then either takes immediate action or delayed action. Lastly, McBride discloses a video content includes at least a text banner, advertising content, sports content and music entertainment content by disclosing in col. 9:24-28, the LED progressive jackpot display can serve multiple purposes. The display can show the progressive jackpot total. It can also be used to scroll messages (e.g., congratulations, payouts, etc). The display can be used by the casino for both internal and external advertising.

However, McBride lacks in disclosing providing at least one game player with opportunity to also participate in a *supplemental game* conducted at least in part in conjunction with video content displayed on the video display viewable to at least one game player. It is, in an analogous concurrent game system, teaches, in col. 1:50-57, the slave game devices execute in real time

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(play) *concurrently* a number of menu-selectable card and chance games, such as bingo, keno, poker, blackjack, and the like. The status of all the games being played with the help of a slave game device is presented on a touch screen display in individual windows dedicated to specific games. Itkis discloses such features with the intention of allowing game players to play *multiple games (supplemental games)* on a single display screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Itkis into the disclosed invention of McBride. One would be motivated to combine the teachings of Itkis with the disclosure of McBride in order to, allow game players the opportunity win more monetary prizes and increase the excitement of the gaming table.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to network video game systems:

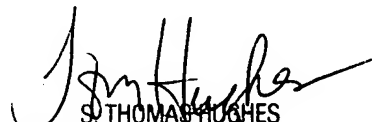
USPN 6,485,368 Jones et al. Discloses a gaming table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

RM

RM
April 16, 2003


ST. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700